

SWAN AFTER LAND

STRANGE SUIT FILED IN DISTRICT COURT OVER RIVER ACTION.

Swan Enters a Small Island, But by the Shifting Currents of the Arkansas River His Island is About to Take in His Neighbors—The Result of the Suit Will Affect Titles on West Douglas Avenue—The Question as to Whether the Land Belongs to Adjoining Property Will be Brought Out—History of the Case.

A strange suit was filed in the district court yesterday which is far reaching and will probably pass through all the courts of the land before it is settled.

The suit grows out of the action of the Big Arkansas, and will decide the questions as to who is the owner of the land which has been added to the property by the change of the current. This is particularly interesting to many persons in Wichita, as by the change of the current on West Douglas avenue, alone, the river has been forced back from where the Schwartz Bros. coal of floor until its present place 800 feet west. The added land is very valuable, and while it has generally been conceded that the property adjoining a stream must stand the loss or gain by action of the current, yet if the plaintiff, to this suit, shall gain his point, the courts at a different doctrine will be established.

Huston, Young and Burns, all took claims on the Arkansas river many years ago, their land running west and bounded on the west by the Arkansas river. In a few months a small island began to form in the river, and this island was entered by a colored man by the name of Swan.

For some time a small stream of water ran between Huston, Young and Burns' land and the colored man on the island. In a year or two the slough became even with the rest of the land and the river all ran to the east of the island, which now became solidly attached to the property of the three white men, and notwithstanding the fact that their deeds from the government called for land bounded on the east by the Arkansas river, they did not disturb the colored man in his possession.

In a short time Young, one of the farmers, whose farm was badly cut by the imaginary line between him and Swan, (the colored man) concluded to trim out some of his timber, but was stopped by Swan, who had him arrested. The trial resulted in the acquittal of Young.

Last summer during the high water the river again broke through the old slough and for a time completely shut Swan out from all communication with the outside world, but he was saved for by his neighbors bringing provisions to the bank and him taking them over on a raft.

When the water had subsided it was found that much accession had been made to the island and it was now a large tract of land. This was especially the case with Burns' quarter, and he found his farm increased by several acres, and as his quarter did not touch the disputed land he, like Doc Black, considered himself much wealthier.

But now comes the suit of Swan, who alleges that while the added acres do not join him yet the accession was caused by his island, and hence he and not Burns is entitled to the property. It is one of the strangest cases ever filed in court, and yet no one can deny the truth of the proposition, and yet if the doctee should be given it would cause a general swamping around. In Wichita Mr. Diver would jump down on Doc Black, while Doc Black would argue the humbug of the proposition, and the land below the bridge which had been added by its filling in above the bridge, and much of the property on West Douglas avenue would necessarily have to go in court to have the cloud upon the title removed.

It is a strange suit, yet both sides declare they will fight it to a finish.

DIVORCE IS FIXED UP

Magowan Matter is supposed to be on the Way to Settlement.

Trenton, N. J., Feb. 10.—A new turn in the affairs of Mr. and Mrs. Frank Magowan has created another big sensation here. An agreement has been reached between them by which the ex-mayor is to be allowed to secure an Oklahoma divorce without a contest and marry Mrs. Barnes. The strangest part of the affair is that Mrs. Magowan will vacate the palatial mansion built for her by her husband and probably occupy their former modest home adjoining.

The agreement was entered into today, and Mrs. Magowan dismissed her counsel, Judge R. S. Woodruff, and at once prepared to move from the Clinton avenue mansion and, with her children, take up her home in the less pretentious dwelling.

When seen this evening, Judge Woodruff declined to discuss the affairs of the client, but admitted that he was no longer Mrs. Magowan's counsel in the suit for divorce brought by her husband in the Oklahoma courts. The judge and Mrs. Magowan had a difference over a certain point which the lawyer considered should be followed. Judge Woodruff refused to admit that he knew any thing whatever of any agreement between the ex-mayor and Mrs. Magowan.

Mrs. Magowan was found later at the big mansion. She had been in the adjoining house, the old home of the Magowans, superintending a thorough overhauling preparatory to moving in. She replied that she had had no reconciliation between herself and Mr. Magowan, but frankly said that their domestic difficulties had been permanently settled. The lady declined further information, declaring that it was

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Pawnee, O. T., Feb. 10.—(Special).—At the last session of the supreme court of the territory the session of court at Pawnee was fixed for the 19th of March and as that time draws near the lawyers are preparing for work. A glance over the docket shows a large variety of cases. There is a large number of criminal cases, besides several very important civil cases, and what have come in Oklahoma to be a class by themselves, seventeen divorce cases.

Young, correspondent in looking over the docket finds a great variety of causes for divorces, as follows: Lee R. Phillips asks for a divorce from Nancy E. Phillips on the ground of adultery with divers and sundry persons during 1934 and 1935.

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Luella Rea asks for a divorce from Willis Rea on the ground of extreme cruelty and drunkenness. Mary E. Thiesse, from Eldridge Thiesse, for abandonment and failure to support.

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SHAWNEE GETS SHOPS

Guthrie, O. T., Feb. 10.—The Shawnee Quill publishes the following: For several weeks the people of Shawnee have been on the anxious seat in regard to the location of the Choctaw machine shops. But their anxiety has been put to an end, and the location has been submitted by the Choctaw Railroad company was accepted by our people, and today Hon. J. W. McLeod, attorney for the road, signed the contract for their location at this place. Our people are wild with joy. Business will now take a jump and things in general will boom and hum and buzz.

These shops means much for Shawnee, as the company will spend lots of money on the part of the road. Then too, the force necessary to run the shops will be a big and valuable addition to the town for the men who will find work in the shops are the best of the Choctaw skilled and command the best of wages.

By the contract the shops will be in fifteen days. Aside from what the company will spend from South McAlester to this point, they will be largely, as their present facilities are altogether inadequate to do the work of the road.

To Oscar G. Lee and the gentlemen who so ably helped him in securing the location of the shops at this point, every citizen and property owner is under obligations. Mr. Lee has been especially active in the matter and has worked ceaselessly and untiringly, and perhaps, entitled to a big share of the credit.

The railroad company will do an immense amount of work at this place, as the building of the shops, the additional side tracks, yards, etc., will be a big job, and will necessitate the expenditure of many thousands of dollars, the most of which will be spent with our merchants, thus creating a boom that the annals of history has never yet recorded.

INDIAN POLYGAMY

Guthrie, O. T., Feb. 10.—It has just come to light that a disgraceful condition of immorality exists among the Cheyenne and Arapahoe Indians living in the western part of the territory. It is learned that fully one-fourth of the men of these tribes still live in a polygamous state. Captain A. E. Woodson, the agent, yesterday ordered that no more plural marriages should be allowed on the reservation, and since that time there have been none, but his order did not wipe out the evil. To drive the surplus wives are discarded, their chances of remarrying are slim. Cheyennes and Arapahoes think a great deal of their children, and this is another reason that polygamous families continue in that state in defiance of official edicts.

MACEO TELLS OF THE FIGHT

Cuban General Explains Some Things About the Campaign.

Chicago, Feb. 10.—The Chicago Inter Ocean prints the following: Pinar del Rio, Cuba, Feb. 10.—Lieutenant General Antonio Maceo, the Cuban army commander, following the capture of the city of Pinar del Rio, after the north and south shores of the western end of the island to prevent the landing of expeditions that were supposed to be destined for the vicinity of San Antonio Cape. While the fleet, with which we had several "encuentros," so to speak, while along the north coast, we kept a good watch between Cuba, Florida and Mexico, several good expeditions landed in the Oriente from Jamaica and Santo Domingo, and by this time the stores they brought are safely in the hands of our friends in the Sierra Maestra mountains. Our line of communication between this end of the island and the province of Santiago de Cuba is practically perfect, and we have no reason to fear being cut off at any time. The Spaniards have long since given up the idea that a military line, called a "trocha" (trench), would keep us within certain limits, and their plan now is, as I see it, to surround with a large force the smaller bands one at a time, and end the war by degrees.

General Gomez saw this, too, and the army was divided in sections that should about suit the tastes of the Spanish generals, but none of the small bands have been captured yet. My army, consisting of about 5,500 men, principally infantry, has traveled about Pinar del Rio province, and we have had no serious battle, with the exception of Las Taironas, although there are, as near as I can learn, about 30,000 government troops between here and the city of Havana.

Since we entered this province the strength of the entire Cuban army has increased at least 25 per cent, or, in other words, 10,000 recruits have come to our standard. About half that number are mounted, and with Gomez and Nunez. Three thousand are with my command, and the remainder are under Gomez. If we had not been able to supply all who offered their services for the cause of beloved Cuba, the army of the republic in Havana and Matanzas provinces would today muster 35,000 men, on half cavalry. But we had not arms for them; there is no use in men if we had, and there is nothing for us to gain by boasting, as does the Spaniards. Our men are not well armed, by the way, but they are brave, and they would today be no Spanish columns outside the cities of Havana, Matanzas, and Santiago de Cuba.

But in this respect a great improvement is noticeable in the past two months, and we are constantly getting on a better fighting basis. The army is enthusiastic. The idea of liberty permeates the entire force and it is backed by the hopes and prayers of a very large majority of the people of Cuba. I will not venture to say, as you request, how long the war will last. It may be a conflict of months or of years. But this much is certain, that the red and yellow flag of Spain will never again wave in triumph over an enslaved Cuba. Cuba must be free. The long oppressed people are now dedicated to the work of emancipation, and the God of heaven will strengthen their arms.

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"THE MORE YOU SAY THE LESS PEOPLE REMEMBER." ONE WORD WITH YOU

SAPOLIO

Antonio Maceo of the Cuban army followed the following expedition to the headquarters of the Interior Department, Headquarters Second Army, Las Canoas, Cuba, Jan. 27.—I am pleased to comply with your request for a statement regarding the movements of my army in this province, and also would like to reply briefly to the charges that have been made against me to the effect that there was an ill feeling between General Gomez and myself. He is the commander-in-chief, and in a certain sense, I will answer it at the beginning.

In the first place, I was initiated in your request that many in the United States thought that I was a traitor in the Cuban army. It was hinted that between the commander-in-chief and myself there was a misunderstanding, and that my army—to use the term employed by the Spaniards—had been "dissected" by General Gomez and left in the province of Pinar del Rio to be trapped.

Such statements are so ridiculous the serious people would not give them any consideration; but still there are many others, even among our most sincere friends and supporters, who might be foolish enough to think there might be some foundation for the rumors.

In the first place, there can be no such thing as a misunderstanding—or rupture, or whatever you may choose to call it—between General Gomez and myself. He is the commander-in-chief, and as such his orders are as laws to me. I am but lieutenant general of the army, and at all times, in all places, and for all reasons, I am subject to his commands.

Our army is not organized on a rabble basis. The man who talks the loudest is not the commander. But it is organized on the plan of a modern military force. There is order and discipline in other words, I mean to say, there is our own comparative weakness to doubt his wisdom and judgment. As to the statement that he took his command and hurried back to Havana, leaving us, as the Americans would say, "in a lurch," I will say nothing regarding it. We have our own plan of fighting the battle of Cuba, and it is not necessary that the whole world be taken into our confidence. The Spaniards, however, would like to know why we separated our forces in Pinar del Rio. It would like to know why General Gomez marched to the border of Matanzas, and why he would not march to the city of Havana. I will say nothing regarding it. We have our own plan of fighting the battle of Cuba, and it is not necessary that the whole world be taken into our confidence. The Spaniards, however, would like to know why we separated our forces in Pinar del Rio. It would like to know why General Gomez marched to the border of Matanzas, and why he would not march to the city of Havana.

When the authorities cannot see a plausible reason for some of them—important action on the part of the rebel forces, they immediately resort to some agreeable theory and spread it broadcast. Still, we do not complain, and if we obtain any satisfaction therefrom we are not the less satisfied.

But it has appeared strange to me that these people seem to delight in humbugging themselves. They have been so from the beginning of the war, and doubtless they will continue to do so, and yet they do not seem to realize that they picture their own ridiculousness to the world; for what can people think of saying that the rebellion is a rabble affair, the next day read of more troops embarking from Spain to reinforce the army of over 100,000 men already here?

General Campos was fond of carrying out that policy, for while he sent night dispatches to cheer the queen, the ministry, and the people, he was preparing to leave for some border town, and he was unable to put down, or even seriously hamper, the movement of rebellion.

As to the invasion of this province, there is nothing on our part to complain of. I must confess that the war policy of the province were not anxious for us to come, but it was because they feared their crops would be destroyed. This has not, however, been the case, for we have been very careful in all our marches to avoid the tobacco fields, for the trampling of several thousand men would, of course, ruin the crops.

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WANTS...

Always Popular THE EAGLE'S WANT COLUMNS

Wants For Sale For Trade For Exchange Miscellaneous Real Estate Financials Personals

Advertisements under above classifications must be in the counting room by 5 o'clock every night except Saturdays which is 9 o'clock.

LEGAL. In the District Court of Sedgewick County, Kansas. Rude Brothers Manufacturing Company, Plaintiff, vs. The Wichita Implement Company, The Grand Detour Plow Company, J. Babcock and W. W. Fairbank, Defendants.

NOTICE. The defendant, The Grand Detour Plow Company, is hereby notified that it has been sued in the above court by the plaintiff named and that it must answer the petition filed by the plaintiff herein on or before the 2nd day of March, 1936, or the allegations of the said petition will be taken as true and the judgment will be rendered against it setting aside the chattel mortgage executed and delivered to it by the defendant, The Wichita Implement Company, covering the stock of wagons, carriages, implements, and that a receiver will be appointed in said action for the purpose of distributing the same of the proceeds thereof among all of the creditors of The Wichita Implement Company in proportion to their respective claims, and said defendant, The Grand Detour Plow Company, is further notified that a motion has been filed in said action for the appointment of a receiver during the pendency of said action, and that said motion has been filed in said action on the 2nd day of January, 1936, or as soon as thereafter as counsel can be had.

That affidavits, record, documentary and oral evidence will be used by the plaintiff in support of its motion.

J. V. DAUGHERTY, Attorney for Plaintiff.

WANTED—First-class girl for general housework; no washing. Must be a good cook, good wages to competent person, with references. Apply mornings, 1156 North Lawrence avenue. Mrs. J. J. McNamara. 474-11.

WANTED—Girl for housework; no washing. 322 North Emporia Ave. 473-47.

WANTED—Girl for general housework. Apply at 1313 N. Emporia Ave. 474-11.

WANTED—Immediately, competent white woman for general housework. Good wages. 1246 North Topeka Ave. 473-47.

SITUATIONS WANTED—FEMALE. WANTED—Situation to do housework in small family, with happy, good references. Address "A," Eagle office. 473-11.

HELP WANTED—MALE. AGENTS—A snap for you, \$50.00 weekly, \$500.00 yearly. No experience required, failure impossible. Our scheme a new one, particularly for those who are looking for a home. Address "P. O. Box 608 Boston, Mass. 473-47.

SITUATIONS WANTED—MALE. WANTED—Work on farm by man and wife. Parties to furnish house and small garden spot. Call at or address 322 N. Central Ave. 473-47.

AGENTS WANTED. SALESMEN WANTED. MISCELLANEOUS. SAVE MONEY—Buy furniture on installment and rent a good room for \$12.50 a month. Call on Fleming, Room 1124 S. Lawrence. 473-47.

WANTED—Hammers, shears, and clippers to grind. Saws filed. J. F. Stafford, 107 S. Main St. 473-47.

GET YOUR PIANO TUNED BY W. J. Schneider, with Hatter & Newcomb. Tuner guaranteed to be the best. Tuning \$3.00. 473-11.

BUSINESS OPPORTUNITIES. CASH BUSINESS for sale; pleasant and profitable; suitable for lady or gentleman. Interested parties meeting business address, for particulars, "W," Room 42, Zimmerly building. 473-47.

WANTED—Buyer for small grocery; steady choice regular customers; first-class location. 420. Address A. L. Aley, Tyler Ave. 473-47.

WANTED—To trade an organ for a good cook. Call on Thos. Shaw, at his music store. 473-47.

WANTED—Anyone having rooms to rent, with or without board, for week, month, or longer, call on J. J. McNamara, at the meeting of the Grand Lodge of A. F. and A. M., commencing February 1936. Interested parties meeting business with E. E. Bickley at the office of the Missouri Pac. R. R., 114 North Main St. 473-47.